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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/681,049		10/07/2003	Jerome C. Bressi	SYR-HDAC-5002-U	5114	
32793	7590	05/06/2005		EXAMINER		
SYRRX, I		AMED DOLLE	DAVIS, BRIAN J			
SAN DIEG		NTER DRIVE		ART UNIT	PAPER NUMBER	
	,			1621		
				DATE MAILED: 05/06/2009	DATE MAILED: 05/06/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	
	10/681,049	BRESSI ET AL.	
Office Action Summary	Examiner	Art Unit	
	Brian J. Davis	1621	
The MAILING DATE of this communicati Period for Reply	on appears on the cover sheet w	ith the correspondence address	
A SHORTENED STATUTORY PERIOD FOR THE MAILING DATE OF THIS COMMUNICAT - Extensions of time may be available under the provisions of 37 after SIX (6) MONTHS from the mailing date of this communica - If the period for reply specified above is less than thirty (30) day - If NO period for reply is specified above, the maximum statutory - Failure to reply within the set or extended period for reply will, is Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	FION. CFR 1.136(a). In no event, however, may a station. s, a reply within the statutory minimum of thir y period will apply and will expire SIX (6) MON by statute, cause the application to become AB	eply be timely filed ty (30) days will be considered timely. ITHS from the mailing date of this communication BANDONED (35 U.S.C. § 133).	1.
Status			
1) Responsive to communication(s) filed or	١		
2a) This action is FINAL . 2b) ∑	∃ This action is non-final.		
3) Since this application is in condition for a closed in accordance with the practice u			i
Disposition of Claims			
4) ⊠ Claim(s) 1-118 is/are pending in the app 4a) Of the above claim(s) is/are w 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ⊠ Claim(s) 1-118 are subject to restriction	ithdrawn from consideration.		
Application Papers			
9)☐ The specification is objected to by the Ex			
10) The drawing(s) filed on is/are: a)			
Applicant may not request that any objection			
Replacement drawing sheet(s) including the 11) The oath or declaration is objected to by			1).
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for f a) All b) Some * c) None of: 1. Certified copies of the priority doc 2. Certified copies of the priority doc 3. Copies of the certified copies of the application from the International * See the attached detailed Office action fo	uments have been received. uments have been received in A ne priority documents have been Bureau (PCT Rule 17.2(a)).	opplication No received in this National Stage	
Attachment(s)			
1) Notice of References Cited (PTO-892)		Summary (PTO-413)	
Notice of Draftsperson's Patent Drawing Review (PTO-93) Information Disclosure Statement(s) (PTO-1449 or PTO Paper No(s)/Mail Date	, <u> </u>	s)/Mail Date nformal Patent Application (PTO-152) 	

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DETAILED ACTION

Election/Restrictions

Claims 1-118 are generic to a plurality of disclosed patentably distinct species comprising the compounds described by the formula of claim 1, for instance, the set of compounds described when one of R¹- R⁴ is a heterocyclic ring and the set of compounds described when none of the variables is a heterocyclic rings. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. The examiner respectfully requests that the elected species be explicitly defined in terms of the variables of the formula of claim 1.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Davis whose telephone number is 571-272-0638. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BRIAN DAVIS PRIMARY EXAMINER

Brian J. Davis May 2, 2005